

BID OPENING

CITY OF SAN JOSE

OFFICE OF THE CITY CLERK

RECEIVED
San Jose City Clerk

City Clerk

Time Stamp

TOTAL BASE BID 493,322

ALT NO. 1 _____

ALT NO. 2 _____

ALT NO. 3 _____

Alt No. 4 _____

Alt No. 5 _____

BID DATE: Thursday, March 04, 2010

Project Manager: Adolfo Alvarez ~ 535.8496

Traffic Light Synchronization Program:
Signal Interconnect Cable (SIC) Segments
Phase i

BIDDER NAME: ? Phase 3 Communications Inc.

Bond ☒ Cashier's Check _____

Addendums Included ()

YES ☒ NO _____

NonCollusion Affidavit

YES ☒ NO _____

SCHEDULE OF QUANTITIES
for
TRAFFIC LIGHT SYNCHRONIZATION PROGRAM: SIGNAL INTERCONNECT CABLE (SIC) SEGMENTS PHASE 1

RE-BID 3/4/10

CONTRACTOR:

ITEM NO.	SPEC. SECTION	ITEM DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE (\$)	EXTENSION (\$)
1	4-1.03G	UTILITY CONFLICT WORK (Revocable)	L.S.	1	\$ 5,000.00	\$ 5,000.00
2	7-1.04.2	CALTRANS ENCROACHMENT PERMIT (Minimum Amount \$3,280.00)	L.S.	1	3280.00	\$ 3280.00
3	8-1.10.3	ADDITIONAL POTHOLING (Revocable)	EA.	20	400.00	\$ 8000.00
4	12-1.02B	TRAFFIC CONTROL	L.S.	1	3000.00	\$ 3000.00
5	12-1.02D	POLICE OFFICERS FOR TRAFFIC CONTROL (\$45 minimum per hour per officer, Revocable)	PR. HR.	80	45.00	\$ 3600.00
6	73-1.06E	ADDITIONAL P.C.C. SIDEWALK (Revocable)	S.F.	200	14.00	\$ 2800.00
7	86-1.03B	RECORD DRAWINGS	L.S.	1	4000.00	\$ 4000.00
8	86-2.05C.5	2" CONDUIT	L.F.	12,800	30.64	\$ 392192.00
9	86-2.06	#6 PULL BOX	EA.	49	650.00	\$ 31850.00
10	86-2.08	25 PR SIC CABLE	L.F.	13,200	3.00	\$ 39600.00
					TOTAL PROJECT:	493322.00

NONCOLLUSION AFFIDAVIT

Project Title: TRAFFIC LIGHT SYNCHRONIZATION PROGRAM: SIGNAL INTERCONNECT CABLE (SIC) SEGMENTS PHASE 1.

JUAN CARLOS DEZUBIRIA, being first duly sworn, deposes and says that he/she is
(print name)

the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof the effectuate a collusive or sham bid.

In accordance with Title 23, United States Code, Section 112, the bidder hereby states, under penalty of perjury, that he/she has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this contract. Bidders are cautioned that making a false certification may subject certifier to criminal prosecution.

The undersigned declares under penalty of perjury that the information contained in this proposal and all accompanying documents are true and correct.

Executed on 3-4-10

PHASE 3 COMMUNICATIONS Inc
Legal Company Name

CORPORATION

Indicate Type of Entity: Sole Proprietorship,
Partnership (General/Limited Partners),
Corporation, Joint Venture, etc.

By: Juan Carlos Dezubiria
Title: VP CONSTRUCTION

City Business Lic. No.: 8372502210

Expiration Date: 1-15-11

State Contractor Lic. No.: 777630

Classification: C-10

Expiration Date: APRIL 2010

Federal I. D. No.: 77-0510721

Address: 224 N. 27TH ST

STE B

SAN JOSE CA 95116

Telephone: 408 946 9011

NOTARY

On 3/04/10 before me, RUBEN N YUSI - NOTARY PUBLIC, personally appeared
(name and title of officer)

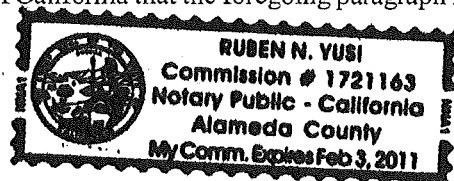
JUAN CARLOS DEZUBIRIA who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under the PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Ruben N Yusi
Notary Public

(Seal)



STATEMENT OF BIDDER'S EXPERIENCE

The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as rapidly as required under the terms of the contract.

<u>PROJECT NAME</u>	<u>AGENCY/ENTITY</u>	<u>CONTRACT AMOUNT</u>
SAN JOSE PD SUBSTATION FIBER LINK SAN JOSE CA	CITY OF SAN JOSE ADOLFO ALVAREZ 408 535 8496	\$138,000
 BROCADE CONDUIT INSTALL SAN JOSE CA	 ABOVENET RODYAN IRHAETA 408 352 6390	 \$240,000
 SAN RAFAEL CONDUIT INSTALL SAN RAFAEL CA	 ABOVENET RODYAN IRHAETA 408 352 6390	 \$240,000

February 24, 2010

**ADDENDUM NO.1
TO
THE PLANS AND SPECIFICATIONS
FOR**

**TRAFFIC LIGHT SYNCHRONIZATION PROGRAM:
SIGNAL INTERCONNECT CABLE (SIC)
SEGMENTS PHASE 1**

Notice is hereby given that the following revisions, additions, and/or deletions are hereby made part of and incorporated into the Plans and Specifications for Traffic Light Synchronization Program: Signal Interconnect Cable (SIC) Segments Phase 1.

IMPORTANT

THIS ADDENDUM SHOULD BE ACKNOWLEDGED WHEN YOUR BID IS SUBMITTED. FAILURE TO ACKNOWLEDGE THE ADDENDUM MAY CONSTITUTE GROUNDS FOR REJECTION OF THE BID.

INSTRUCTION:

The bidder must sign this addendum in the space provided below and return one signed copy with the bid. Failure to return the signed copy with the bid document shall not relieve the bidder of his/her obligation to include this addendum in the bid proposal.

PHASE 3 COMMUNICATIONS Inc Approved by
Bidder's Name

Franklin E. Zubiri
Signature and Title of the Bidder

VP. Construction

Tim Borden
TIMM BORDEN
Deputy Director of Public Works

3-4-10
Date

THIS ADDENDUM CONTAINS 2 PAGES

Bidders

February 24, 2010

Addendum No. 1 to the Plans and Specifications for Traffic Light Synchronization Program: Signal Interconnect Cable (SIC) Segments Phase 1

Page 2 of 2

PROJECT SPECIFICATIONS:

Section 86-2.05C.4: Installation of Conduit by Directional Boring Method (page 153).

Delete to section 86-2.05C.4 "Installation of Conduit by Directional Boring Method"

The directional drilling may performed by a contractor possessing a C-12 license. The class C-12 subcontractors cannot handle the conduit.

Add to section 86-2.05C.4 "Installation of Conduit by Directional Boring Method"

The directional drilling may be performed by a contractor possessing a C-12 or D-09 license. The class C-12 or D-09 subcontractors cannot handle or assemble the conduit.

Designation of Subcontractors as required in Section 2-1.15A of the City of San Jose Standard Specifications, July 1992.

29 of 198

BIDDER'S BOND

KNOW ALL PERSONS BY THESE PRESENTS:

That we, Phase 3 Communications, Inc. as PRINCIPAL, and The Ohio Casualty Insurance Company, a corporation duly organized under the laws of the State of Ohio and duly licensed to become sole surety on bonds required or authorized by the State of California, as SURETY, are held and firmly bound unto the City of San Jose (hereinafter called the "City"), in the penal sum of TEN PERCENT (10%) OF THE TOTAL AMOUNT OF THE BID of the Principal above named, submitted by said Principal to the City of San Jose, for the work described below; for the payment of which sum in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents. In no case shall the liability of the Surety hereunder exceed the sum of Ten Percent of the Amount Bid DOLLARS (\$ 10%).

THE CONDITION OF THIS OBLIGATION IS SUCH,

That whereas the Principal has submitted the above mentioned bid to the City of San Jose, for certain construction specifically described as follows, for which bids are to be opened in the Department of Public Works, City of San Jose, City Hall, 200 E. Santa Clara St., Wing 2nd Fl., San Jose, CA 95113, on March 4, 2010 for **TRAFFIC LIGHT SYNCHRONIZATION PROGRAM: SIGNAL INTERCONNECT CABLE (SIC) SEGMENTS PHASE 1**

NOW, THEREFORE, if the aforesaid Principal is awarded the contract and, within the time and manner required under the specifications, after the prescribed forms are presented to Principal for signature, enters into a written contract, in the prescribed forms, in accordance with the bid, and files a Faithful Performance Bond and a Contractor's Payment Bond, and files the required insurance policies with the City, all as required by the specifications and the contract or by law, then the obligation shall be null and void; otherwise it shall be and remain in full force and effect.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In the event suit is brought upon this bond by the Obligee and judgement is recovered, the Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee to be fixed by the court.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this. **1st**
day of **March**, 20**10**.

PRINCIPAL

SURETY

Phase 3 Communications, Inc.
Legal Company Name

The Ohio Casualty Insurance Company
Legal Company Name

Indicate Type of Entity

By *Robert J. Yarn*
Title: *Exec VP / CFO*

By *E. Altman*
Title: **E. Altman, Attorney-in-Fact**

By _____
Title:

By _____
Title:

(Affix Corporate Seals)

(Attach Acknowledgments of both Principal and Surety signatures)

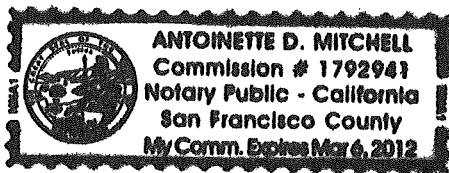
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Francisco

On March 1, 2010 before me, Antoinette D. Mitchell, Notary Public

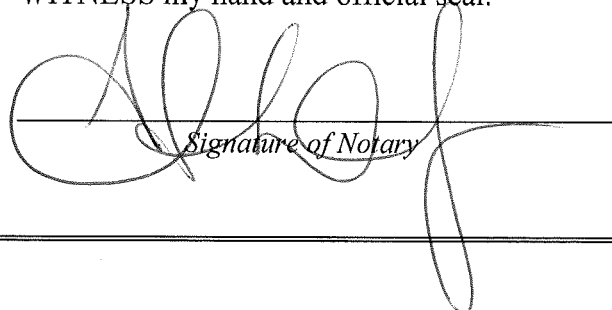
personally appeared * * * * * E. Altman * * * * *



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Signature of Notary

**CERTIFIED COPY OF POWER OF ATTORNEY
THE OHIO CASUALTY INSURANCE COMPANY**

No. 42-412

Know All Men by These Presents: That THE OHIO CASUALTY INSURANCE COMPANY, an Ohio Corporation, pursuant to the authority granted by Article III, Section 9 of the Code of Regulations and By-Laws of said Company, does hereby nominate, constitute and appoint: **E. Altman, Antoinette D. Mitchell or A. Butler of Walnut Creek, California** its true and lawful agent (s) and attorney (s)-in-fact, to make, execute, seal and deliver for and on its behalf as surety, and as its act and deed any and all BONDS, UNDERTAKINGS, and RECOGNIZANCES, not exceeding in any single instance **FIFTY MILLION (\$50,000,000.00) Dollars**, excluding, however, any bond(s) or undertaking(s) guaranteeing the payment of notes and interest thereon

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Fairfield, Ohio, in their own proper persons.

The authority granted hereunder supersedes any previous authority heretofore granted the above named attorney(s)-in-fact.

In WITNESS WHEREOF, the undersigned officer of the said The Ohio Casualty Insurance Company has hereunto subscribed his name and affixed the Corporate Seal of the said The Ohio Casualty Insurance Company this **22nd day of May, 2009**.



J. Timothy D'Errico, Assistant Secretary

STATE OF OHIO,
COUNTY OF BUTLER

On this **22nd day of May, 2009** before the subscriber, a Notary Public of the State of Ohio, in and for the County of Butler, duly commissioned and qualified, came **J. Timothy D'Errico, Assistant Secretary** of THE OHIO CASUALTY INSURANCE COMPANY, to me personally known to be the individual and officer described in, and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn deposes and says, that he is the officer of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and the said Corporate Seal and his signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal at the City of Hamilton, State of Ohio, the day and year first above written.



Notary Public in and for County of Butler, State of Ohio
My Commission expires August 17, 2013.

This power of attorney is granted under and by authority of Article III, Section 9 of the Code of Regulations and By-Laws of The Ohio Casualty Insurance Company, extracts from which read:

Article III, Section 9. Appointment of Attorneys-in-Fact. The Chairman of the Board, the President, any Vice-President, the Secretary or any Assistant Secretary of the corporation shall be and is hereby vested with full power and authority to appoint attorneys-in-fact for the purpose of signing the name of the corporation as surety to, and to execute, attach the seal of the corporation to, acknowledge and deliver any and all bonds, recognizances, stipulations, undertakings or other instruments of suretyship and policies of insurance to be given in favor of any individual, firm, corporation, partnership, limited liability company or other entity, or the official representative thereof, or to any county or state, or any official board or boards of any county or state, or the United States of America or any agency thereof, or to any other political subdivision thereof

This instrument is signed and sealed as authorized by the following resolution adopted by the Boards of Directors of the Companies on October 21, 2004:

RESOLVED, That the signature of any officer of the Company authorized under Article III, Section 9 of its Code of Regulations and By-laws and the Company seal may be affixed by facsimile to any power of attorney or copy thereof issued on behalf of the Company to make, execute, seal and deliver for and on its behalf as surety any and all bonds, undertakings or other written obligations in the nature thereof, to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment. Such signatures and seal are hereby adopted by the Company as original signatures and seal and shall, with respect to any bond, undertaking or other written obligations in the nature thereof to which it is attached, be valid and binding upon the Company with the same force and effect as though manually affixed.

CERTIFICATE

I, the undersigned Assistant Secretary of The Ohio Casualty Insurance Company, do hereby certify that the foregoing power of attorney, the referenced By-Laws of the Company and the above resolution of its Board of Directors are true and correct copies and are in full force and effect on this date.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Company this **1st** day of **March** A.D. 2010



Assistant Secretary

To confirm the validity of this Power of Attorney call
1-513-867-3471 between 9:00 am and 4:30 pm EST on any business day.

Not valid for mortgage, note, loan, letter of credit, bank deposit,
currency rate, interest rate or residual value guarantees.